

PTO/SB/25 (08-03)

Approved for use through 07/31/2008. OMB 0551-0031

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Docket Number (Optional)  
53951-025

In re Application of: **Jeffrey H. Burbank, et. al.**  
Application No.: **09/865,905**  
Filed: **5/24/2001**  
For: **Fluid processing systems and methods using extracorporeal fluid flow panels oriented within a cartridge**

The owner, NxStage Medical, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/041,849 filed on 1/7/2002, of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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 9/17/2004  
Signature Date

Mark Catan

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202-778-1118

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